

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

AMEND Senate Bill No. 1902

House Bill No. 1778\*

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 8 of this act as a new part thereto.

SECTION 2. This act shall be known and may be cited as the "Amusement Operator Safety and Liability Act".

SECTION 3. As used in this act unless the context otherwise requires:

(1) "Amusement attraction" means an amusement ride exclusively under the control of an amusement operator to give for a fee amusement, excitement, pleasure or thrills to persons who move around, over or through the structure;

(2) "Amusement device" means an amusement structure in which for a fee one (1) or more of the control elements are exercised by the customer to give amusement, excitement, pleasure or thrills to persons who move around, over or through the structure; and

(3) "Amusement operator" means any person, corporation, organization or business entity which provides for a fee access to and use of an amusement attraction or an amusement device.

SECTION 4. (a) Notwithstanding any provision of law to the contrary, any person, corporation, organization or business entity which provides for a fee access to and use of an amusement device shall be liable for injuries sustained by persons using such amusement device only to the extent such injuries were proximately caused by the

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negligent conduct of the person, corporation, organization or business entity providing use of such amusement device for a fee.

(b) Operators of amusement devices shall only provide written or oral instructions and warnings to persons using such amusement devices. Such instructions and warnings shall provide sufficient information to persons using the amusement device to understand the means to control acceleration, speed, braking, direction of travel and/or turning movements which are under the control and responsibility of persons using such amusement devices. Persons using such amusement devices shall be liable for injuries to the extent that said injuries resulted from their own negligent conduct.

(c) Nothing in this act shall be construed to increase or decrease the standard of care currently required under comparative fault.

SECTION 5. Any person, corporation, organization or business entity which provides for a fee access to and use of an amusement attraction or an amusement device shall provide to the commissioner of labor proof of insurance against liability for injury to an individual that arises out of the use of such amusement attraction or an amusement device in an amount of at least one million dollars (\$1,000,000) per incident.

SECTION 6. Amusement operators shall complete incident reports of all accidents involving injury to persons using an amusement attraction or amusement device. Such reports shall contain a description of the accident, a listing of all apparent injuries, names and addresses of witnesses to the incident, and any actions taken in response

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to the injury. Amusement operators shall maintain such incident reports for at least three (3) years.

SECTION 7. The provisions of this section are in addition to any other requirements which may be required by law.

SECTION 8. This act shall take effect January 1, 1998, the public welfare requiring it.

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